1 2	Robert M. Waxman (S.B.N. 89754) rwaxman@ecjlaw.com Pantea Yashar (S.B.N. 234067)			
3	pyashar@ecjlaw.com ERVIN COHEN & JESSUP LLP			
4	9401 Wilshire Boulevard, Ninth Floor			
5	Beverly Hills, California 90212-2974 Telephone (310) 273-6333 Facsimile (310) 859-2325			
6				
7	Attorneys for AXA Art Insurance Corporation			
8	UNITED STATES DISTRICT COURT			
9	CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION			
10	RUSSELL YOUNG	) <b>CASE NO:</b> CV10-3746-SVW (SSx)		
11	Plaintiff,	) The Honorable Stephen V. Wilson		
12	V.	Courtroom No.: 6		
13	AXA ART INSURANCE			
14	CORPORATION, and DOES 1-20, inclusive,	EVIDENTIARY OBJECTIONS TO ROBERT EISFELDER, ESQ.'S		
15	Defendants.	DECLARATION ATTACHED TO PLAINTIFF'S MOTION FOR		
16	AXA ART INSURANCE	) LEAVE TO FILE FIRST AMENDEI ) COMPLAINT		
17	CORPORATION	Complaint Filed: April 22, 2010		
18	Cross-Complainant.	)		
		Hearing Date: September 13, 2010 Time: 1:30 p.m. Trial Date: November 30, 2010		
19	V.	) That Date. November 30, 2010		
20 21	RUSSELL YOUNG, BANK ROBBER LLC, and ROES 1-10, inclusive			
	Cross-Defendants.			
22		}		
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Ervin, Cohen & Jessup LLP	IDOCS:12986.5:1089387.1  AXA'S EVIDENTIARY OBJECTIONS TO DE	CLARATION OF ROBERT EISFEDLER, ESO.		

AXA'S EVIDENTIARY OBJECTIONS TO DECLARATION OF ROBERT EISFEDLER, ESQ.

1	Defendant and Cross-Complainant AXA Art Insurance Corporation				
2	respectfully offers the following evidentiary objections to Plaintiff and Cross-				
3	Defendant Russell Young's counsel's declaration, Robert Eisfelder, attached to				
4	Young's Motion For Leave To File A First Amended Complaint as follows:				
5	<u>Page</u>	<b>Objections</b>	Ruling on Objections		
6	11:6-8: "The proposed	Irrelevant, improper opinion,	Sustained		
7	complaint will not result in a continuance since it will	improper speculation, lacks foundation, argumentative, and conclusion.			
8	not require the taking of additional depositions aside		Denied		
9	from those already discussed in the party's joint				
10	stipulation regarding the briefing and discovery schedule in this case."				
11		Implement impressor oninion	Sustained		
12	11:8-10: "All depositions will be completed well in	Irrelevant, improper opinion, improper speculation, lacks	Sustained		
13	advance of the anticipated simultaneous designation of experts."	foundation, argumentative, and conclusion.	Denied		
14		Irrelevant, improper opinion, improper speculation, lacks foundation, argumentative, and conclusion.			
15	11:10-12: "Plaintiff anticipates no significant additional discovery will be		Sustained		
16	generated by the addition of the fraud cause of action		Denied		
17	against AXA, and it will not result in delay."		Deffied		
18	11:13-14: "The proposed	Irralayant improper opinion	Sustained		
19	amendment is necessary and	Irrelevant, improper opinion, improper speculation, lacks foundation, argumentative, and conclusion.	Sustamed		
20	proper to allow Plaintiff to recover all damages he suffered from Defendant's		Denied		
21	conduct in a single lawsuit."		Deffied		
22	11:17-20: "Plaintiff has been diligent in bringing	Irrelevant, improper opinion, improper speculation, lacks foundation, argumentative, and conclusion.	Sustained		
23	this motion and Defendant will not be prejudiced by the				
24	filing of the Proposed First Amended Complaint since		Denied		
25	the fraud cause of action arises out of the conduct,				
26	transactions or occurrences alleged in the original				
27	pleading."				
28					
en	IDOCS:12986.5:1089387.1	CTIONS TO DECLARATION OF POPE	DT FICEFNI FD FCA		

ERVIN COHEN & JESSUP LLP Robert M. Waxman Pantea Yashar DATED: August 23, 2010 By: /s/ Pantea Yashar Pantea Yashar Attorneys for AXA Art Insurance Corporation IDOCS:12986.5:1089387.1

AXA'S EVIDENTIARY OBJECTIONS TO DECLARATION OF ROBERT EISFEDLER, ESQ.

Ervin, Cohen

& Jessup LLP

## PROOF OF SERVICE 1 2 STATE OF CALIFORNIA SS: 3 COUNTY OF LOS ANGELES I am employed in the County of Los Angeles, State of California. I am over 4 the age of eighteen (18) years and not a party to the within action. My business address is 9401 Wilshire Boulevard, Beverly Hills, California 90212-2974. 5 On August 23, 2010, I served the document described as EVIDENTIARY 6 OBJECTIONS TO ROBERT EISFELDER, ESQ.'S DECLARATION ATTACHED TO 7 PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT on counsel for the parties in this action, or on the parties in propria persona, addressed 8 as stated on the attached service list: 9 BY MAIL: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar 10 with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, 11 this correspondence would be deposited by my employer with the United States **12** Postal Service on that same day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more 13 than one day after the date of deposit for mailing in affidavit. BY EMAIL: I caused such document to be sent via email to the name(s) and 14 email address(es) listed above and received confirmed transmission report(s) indicating that these document(s) were successfully transmitted to the parties named 15 therein. 16 BY NEXT-DAY DELIVERY: Via Overnite Express. I am readily familiar with my employer's practice for the collection and processing of correspondence via 17 Overnite Express. In the ordinary course of business, this correspondence would be 18 picked up by Overnite Express on that same day. 19 BY FACSIMILE: I caused such document to be sent via facsimile to the names and facsimile numbers listed above and received confirmed transmission 20 reports indicating that this document was successfully transmitted to the parties named above. 21 (STATE) I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and 22 correct. 23 [X](FEDERAL) I declare that I am employed in the office of a member of the bar 24 of this Court at whose direction the service was made. EXECUTED on August 23, 2010 at Beverly Hills, California. 25 26 /s/J. Michael Johnston 27 J. Michael Johnston 28

## **ERVIN COHEN & JESSUP**□ □

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## **SERVICE LIST**

Robert W. Eisfelder
Jacobs, Jacobs & Eisfelder, LLP
11755 Wilshire Blvd., Suite 2150
Los Angeles, California 90025 E-mail: reisfelder@jjelaw.com Tel: (310) 820-4500 Fax: (310) 826-0683
E-mail: reisfelder@jjelaw.com
Tel: (310) 820-4500°
Fax: (310) 826-0683

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